

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of D.J.S and D.M.S., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PAULETTE MARIA BEAVERS,

Respondent-Appellant.

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UNPUBLISHED

January 24, 2003

No. 240497

Wayne Circuit Court

Family Division

LC No. 00-392347

Before: Cooper, P.J., and Bandstra and Talbot, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(g) and (h). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent-appellant argues that she was denied due process when provisions were not made for her to be present at all dispositional review hearings. Respondent-appellant was present at some of these hearings and at trial. However, counsel represented her throughout and failed to object to her absence at the remaining hearings. Since this issue was not preserved below, it is waived on appeal and we decline to consider it. *Chumley v Chrysler Corp*, 156 Mich App 474, 484; 401 NW2d 879 (1986).

Respondent-appellant did not contact her children while she was in prison. This was evidence of neglect. *In re Neal*, 163 Mich App 522, 528; 414 MW2d 916 (1987). Moreover, the evidence failed to show that respondent-appellant's children would not be deprived of a normal home for a period exceeding two years. MCL 712A.19b(3)(h). The trial court only had respondent-appellant's statement that she would be paroled in May 2002. However, there was evidence that it would take at least two years from parole to meet the treatment plan. The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, because at least one ground for termination was established, the trial court was required to terminate respondent-appellant's parental rights unless it found that termination was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 364-365; 612 NW2d 407 (2000). The trial court's findings regarding the children's best interests was

not clearly erroneous. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Jessica R. Cooper  
/s/ Richard A. Bandstra  
/s/ Michael J. Talbot